

**REMARKS**

Claims 1-12 are pending in the above-identified application.

It is respectfully submitted that this Response is fully responsive to the Office Action dated August 8, 2006.

**Claim Rejections - 35 U.S.C. §102**

Claims 1-2, 4 were rejected under 35 U.S.C. §102(e) as being anticipated by *Tanaka et al.* (US 2006/0142888). However, for at least the following reasons, Applicant respectfully disagrees with the Examiner's anticipation rejection.

Anticipation requires the presence in a single prior art reference the disclosure of each and EVERY element of the claimed invention, arranged as in the claim. Here, *Tanaka et al.* does not teach or suggest a production process rating method for rating a production process on the basis of a predetermined rating standard. Instead, *Tanaka* describes a "monitoring device" for sample processing. Furthermore, unlike the claimed invention, *Tanaka's* monitoring device fails to, for example, *prepare in advance plural data including performance rating items associated with rating values as rating indexes for a production process* and after a series of calculations *comprehensively rate the production process on the basis of the plural performance rating items*. See claim 1. Although *Tanaka's* device appears to monitor a number of signals with respect to samples processed in the processing apparatus, there is no discussion in the *Tanaka* reference about comprehensively rating the production process according to a predetermined rating standard.

For instance, *Tanaka* displays values of the monitoring signals as a two-dimensional graph in a time series manner (*e.g.* Fig. 2). Any monitoring signals deviating from the local of earlier normal signals are judged to be abnormal. However, such a “judgment” cannot be perceived or characterized as a “rating” as described in the present invention. For example, in the present invention, a total rating score is obtained from a series of arithmetic operations for each batch process or each unit recipe in the batch process (See lines 16-19 page 17 of the description). Such a rating process is neither mentioned nor suggested in *Tanaka*.

Accordingly, the Examiner’s anticipation rejection is unsupported by the cited art and should be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103**

Claims 3, 5-8 and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Tanaka et al.* (US 2006/0142888) in view of Applicant’s admitted prior art (APA).

However, claims 2-8 depend from independent claim 1 and should likewise be allowable in view of the remarks above.

Furthermore, in view of the remarks above, claims 9 and 10 are patentable over the combination of *Tanaka et al.* and the APA. For example, even if one were to combine the cited references, then the resultant combination would not *comprehensively rate the production process on the basis of the plural performance rating items*. Thus, the Examiner has failed to present a *prima facie* case of obviousness with regards to claims 9 and 10, because the cited references fail to teach or suggest all the claim limitations. *See* MPEP 2143.

Accordingly, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 3, 5-8 and 9-12.

**Conclusion**

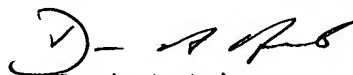
In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

However, if the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Darrin A. Auito

Attorney for Applicants

Registration No. 56,024

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

DAA/rf